

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:17cr126-1

DARYL G. BANK,

Defendant.

**ORDER**

This matter is before the Court to conduct an inquiry into Defendant's compliance with previous conditions of release regarding his residency during pretrial. ECF No. 271.

Defendant's Conditions of Release include the following special condition: "Defendant must reside with his father in Chesapeake, Virginia with his travel restricted to the Eastern District of Virginia." ECF No. 104 at 2. On August 9, 2019, this special condition was modified allowing Defendant "to travel to Florida for purposes approved by his probation officer....without securing additional prior approval from the Court only if he remains in *strict compliance* with *all* conditions of release and is truthful with his probation officer." ECF No. 225. Since that time Defendant has been traveling to Florida so frequently that he has been functionally living in that state, rather than in the Eastern District of Virginia, as intended by previous orders on his Conditions of Release pursuant to 18 U.S.C. § 3142. Defendant has been living in Florida so consistently that he petitioned this Court to transfer his supervision to the Southern District of Florida. *See* ECF Nos. 263, 264. The Court denied Defendant's request to transfer his supervision on March 18, 2020. ECF No. 271. On May 7, 2020, the Court conducted a hearing to determine whether Defendant has followed the previous conditions of release regarding his residency during pretrial.

At the hearing on May 7, 2020, the Court found that Defendant had been in technical compliance with his Conditions of Release. However, the Court found Defendant's living in Florida to be against the intent of previous orders requiring Defendant to live in the Eastern District of Virginia. Consistent with the Court's ruling during the hearing on May 7, 2020, Defendant's Conditions of Release are modified as follows:


- Defendant is prohibited from traveling outside the Eastern District of Virginia without securing prior approval from the Court. This amendment to Defendant's Conditions of Release constitutes the repeal of the special condition from August 9, 2020 allowing Defendant to travel to Florida with the approval of the probation officer and without prior approval from the Court.
- Defendant shall be placed on home detention in the Eastern District of Virginia. While on home detention, Defendant is required to secure the permission of the Probation Officer prior to leaving his place of residence. Defendant is not required to secure approval from the Court before traveling within the Eastern District of Virginia, so long as he obtains prior approval from the Probation Officer.
- The condition requiring a third-party custodian is removed.

All other conditions, including GPS monitoring, as previously imposed, shall remain.

The Clerk is **DIRECTED** to provide a copy of this Order to counsel for Defendant, to the United States Probation Office in Norfolk, and to the United States Attorney's Office in Norfolk.

**IT IS SO ORDERED.**

Norfolk, Virginia  
May 7, 2020

  
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Raymond A. Jackson  
United States District Judge

UNITED STATES DISTRICT JUDGE